

**MINUTES OF THE  
GREENSBORO BOARD OF ADJUSTMENT  
REGULAR MEETING  
OCTOBER 25, 2004**

The regular meeting of the Greensboro Board of Adjustment was held on Monday, October 25, 2004 in the City Council Chamber of the Melvin Municipal Office Building, commencing at 2:04 p.m. The following members were present: Acting Chair Hugh Holston, John Cross, Ann Buffington, Jim Kee and Chris Conrad. Bill Ruska, Zoning Administrator, was also present.

Acting Chair Holston called the meeting to order, and explained the policies and procedures of the Board of Adjustment. He also explained the procedure for appealing any ruling made by the Board.

**APPROVAL OF MINUTES OF LAST MEETING**

Mr. Conrad moved approval of the minutes of the September 27, 2004 meeting as written, seconded by Mr. Cross. The Board voted 3-0 in favor of the motion. (Ayes: Holston, Conrad, Kee. Nays: None. Abstain: Cross, Buffington.)

Mr. Ruska was sworn in for all testimony given before the Board today.

**ADJUSTMENTS TO AGENDA**

Mr. Ruska stated that there was a request for the continuance of BOA-04-35 and BOA-04-36.

Jim Slaughter, 903 West Cornwallis, was sworn and said he represented Homes America. There were two Notices of Violation that were on last month's agenda and it was continued at that time because they were working on a survey to try and determine their position on the property. One of the principals was previously subpoenaed to trial in another matter and is unavailable. Therefore, they are requesting that these matters be continued for another month.

Mr. Slaughter stated that after a great deal of effort they have obtained a survey of the property.

Mr. Kee moved to continue BOA-04-35 and BOA-04-36, seconded by Mr. Cross. The Board voted 5-0 in favor of the motion. (Ayes: Holston, Conrad, Buffington, Cross, Kee. Nays: None.)

**ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON**

After some discussion it was determined that election of Chair and Vice Chair would be postponed until the November meeting.

Mr. Ruska stated that Mr. Tuck has rotated off the Board and an appointment has been made for him, Rick Pinto. Mr. Pinto has not accepted the position and been sworn in as yet.

**OLD BUSINESS**

**APPEAL OF NOTICE OF VIOLATION**

(A) **BOA-04-35: 3600 SOUTH HOLDEN ROAD HOMES AMERICA APPEALS A NOTICE OF VIOLATION IN REFERENCE TO DISPLAY HOMES BEING LOCATED IN THE RIGHT-OF-WAY. THIS CASE WAS CONTINUED FORM THE SEPTEMBER 27, 2004 MEETING. SECTION 30-8-3.2, PRESENT ZONING-LI, BS-154, CROSS STREET-MCCUISTON COURT. (CONTINUED)**

(B) **BOA-04-36: 3600 SOUTH HOLDEN ROAD HOMES AMERICA APPEALS NOTICE OF VIOLATION IN REFERENCE TO AN ACCESSORY FREESTANDING SIGN WHICH IS LOCATED IN THE RIGHT-OF-WAY. THIS CASE WAS CONTINUED FROM THE SEPTEMBER 27, 2004 MEETING. SECTION 30-8-3.2, PRESENT ZONING-LI, BS-154, CROSS STREET-MCCUISTON COURT. (CONTINUED)**

**NEW BUSINESS**

**VARIANCE**

(A) **BOA-04-37: 421 STONEY RUN DRIVE D.R. HORTON, INC. REQUESTS A VARIANCE FROM THE MINIMUM FRONT STREET SETBACK REQUIREMENT. VIOLATION: AN ATTACHED FRONT PORCH OF A NEWLY CONSTRUCTED SINGLE FAMILY DWELLING ENCROACHES 5.07 FEET INTO A 30-FOOT FRONT STREET SETBACK. TABLE 30-4-6-1, PRESENT ZONING-RS-20, BS-247, CROSS STREET-WOODHOLLOW ROAD. (CONTINUED)**

Mr. Cross stated that he had a conflict of interest in this case.

Mr. Conrad moved to recuse Mr. Cross from this item, seconded by Mr. Kee. The motion passed with a vote of 4-0-1. (Ayes: Holston, Conrad, Buffington, Kee. Nays: None. Abstain: Cross.)

Mr. Ruska stated that he had just been informed by Mr. Isaacson that he wished to ask for a continuance of this matter.

Marc Isaacson, attorney representing the applicant, stated that one of the major parties in this case is out of town due to a business meeting. Therefore, they wish to ask that this item be continued.

Mr. Conrad moved to continue BOA-04-37, seconded by Mr. Kee. The Board voted 4-0-1 in favor of the motion. (Ayes: Holston, Conrad, Buffington, Kee. Nays: None. Abstain: Cross.)

Acting Chair Holston welcomed the new member, Ann Buffington, to the Board.

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There being no further business before the Board, the meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Hugh Holston, Acting Chair  
Greensboro Board of Adjustment

HH/ts.jd